

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Dana Gibson,

Case No. 1:10 CV 2014

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Keith Smith,

Respondent.

Pending before the Court is Petitioner's Habeas Corpus Petition (Doc. No. 1), Request for Evidentiary Hearing (Doc. No. 4), and Request for a Voluntary Dismissal (Doc. No. 10).

The Court has reviewed the Report and Recommendation (R&R) of the Magistrate Judge (Doc No. 13) recommending dismissal of the action without prejudice. Respondent has no objection to the voluntary dismissal (Doc. No. 12).

Therefore, the R&R is adopted and this case is dismissed without prejudice.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

November 30, 2010